

breaches of contract between employer and employe," with unfavorable majority and favorable minority committee reports.

The bill was read second time, and

On motion of Senator Turner the bill and committee reports went to the table, subject to call.

Senator Patterson moved that the Senate stand adjourned until 10 o'clock a. m., Tuesday.

Senator Potter moved that the Senate stand adjourned until 10 o'clock a. m., Monday.

Action being on the longest time first, the motion of Senator Patterson prevailed, and the Senate, at 12:12 o'clock p. m., adjourned until 10 o'clock a. m., Tuesday.

TENTH DAY.

Senate Chamber,
Austin, Tex., Tuesday, Jan. 22, 1901.

Senate met pursuant to adjournment. Lieutenant-Governor Browning in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Present—26.

Beaty.	Neal.
Davidson of	Odell.
DeWitt.	Patterson.
Davidson of	Paulus.
Galveston.	Potter.
Dibrell.	Savage.
Goss.	Sebastian.
Grinnan.	Stafford.
Harris of Bexar.	Staples.
Harris of Hunt.	Swann.
James.	Turner.
Lipscomb.	Wayland.
McGee.	Wheeler.
Miller.	Wilson.

Absent—3.

Hanger.	Yett.
Lloyd.	

Absent—Excused.

Johnson.	Turney.
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Prayer by the Chaplain, Rev. I. S. Davenport.

Pending the reading of the Journal of Friday,

On motion of Senator Turner, the same was dispensed with.

EXCUSED.

On motion of Senator Wayland, Senator Harris of Hunt was excused for non-attendance upon the Senate for Friday, last, on account of sickness.

COMMITTEE REPORTS.

The following committee reports were sent to the Secretary's desk:

Committee Room,
Austin, Texas, January 21, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 20, being a bill to be entitled "An Act to reorganize the Twenty-eighth Judicial District, transferring the county of Duval from the Forty-ninth to the Twenty-eighth Judicial District, and fixing the times of holding the terms of the district court therein,"

And find the same correctly enrolled, and have this day, at 10:10 a. m., presented the same to the Governor for his approval.

WILSON, Chairman.

Committee Room,
Austin, Texas, January 21, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 2, being a bill to be entitled "An Act to amend Section 1, of Chapter CLII, of the Acts of the Twenty-sixth Legislature, sent to the Governor for approval on the Twenty-seventh day of May, 1899, amending Article 5001, Title CII, of the Revised Civil Statutes of the State of Texas of 1895, relating to the stock law,"

And find the same correctly enrolled, and have this day, at 11:15 a. m., presented the same to the Governor for his approval.

WILSON, Chairman.

Committee Room,
Austin, Texas, January 22, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 15, being a bill to be entitled "An Act to provide for the selection or appointment of special county judges in condemnation proceedings, as provided for in Chapter 8, Title XCIV, of the Revised Civil Statutes of the State of Texas, when the county judge is disqualified,"

And find the same correctly engrossed.

BEATY, Chairman.

Committee Room,
Austin, Texas, January 22, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 54, being a bill to be entitled "An Act to amend Article 4576, of Chapter 13, Title XCIV, of the Revised Statutes of this State,"

And find the same correctly engrossed.
BEATY, Chairman.

Committee Room,
Austin, Texas, January 22, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 8, being a bill to be entitled "An Act to amend Article 650, Title VIII, of the Code of Criminal Procedure of the State of Texas, relating to the summoning of jurors in special venire cases,"

And find the same correctly engrossed.
BEATY, Chairman.

Committee Room,
Austin, Texas, January 22, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 45, being a bill to be entitled "An Act to amend Article 719, of Chapter 5, Title VIII, of the Code of Criminal Procedure of 1895 of the State of Texas, relating to the charge of courts in misdemeanor cases,"

And find the same correctly engrossed.
BEATY, Chairman.

Committee Room,
Austin, Texas, January 22, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 23, being a bill to be entitled "An Act regulating the granting of injunctions,"

And find the same correctly engrossed.
BEATY, Chairman.

Committee Room,
Austin, Texas, January 22, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Engrossed

Bills have carefully examined and compared

Senate bill No. 52, being a bill to be entitled "An Act to amend Article 889, Title X, of the Code of Criminal Procedure of the State of Texas, relating to appeals from the judgments of justices of the peace and other inferior courts to the county court, and to repeal all laws and parts of laws in conflict therewith,"

And find the same correctly engrossed.
BEATY, Chairman.

Committee Room,
Austin, Texas, January 22, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 16, being a bill to be entitled "An Act to amend Article 4445, of the Revised Civil Statutes of the State of Texas, and to authorize railroad corporations to acquire right of way for the purpose of shortening the line or reducing the grades, and to acquire land for reservoirs for water supply, and to provide that the limitation of width prescribed in Article 4425, of the Revised Civil Statutes of the State of Texas, shall apply only to real estate acquired for right of way; and to provide that real estate, or any interest therein, that may be acquired for any purpose other than right of way, need not adjoin or abut on the right of way,"

And find the same correctly engrossed.
BEATY, Chairman.

Committee Room,
Austin, Texas, January 18, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 11, being a bill to be entitled "An Act to provide for the organization of private corporations, traction companies, for the purpose of constructing, acquiring, maintaining and operating electric inter-urban roads between and connecting different cities, towns and villages, and into, through and over public streets of the different cities, towns and villages reached by same, and to furnish light and power to consumers; to provide the manner and method of organizing said corporations; to prescribe the rights, powers, privileges and duties of said corporations; to authorize said corporations to construct, acquire, operate and maintain such electric roads, own, use and occupy lands, easements, buildings and structures; to

empower such corporations to condemn lands and other property for the use and purposes of such corporations, and to provide the method therefor; to issue stock and bonds, and to borrow money, and to mortgage its franchise and property."

And find the same correctly engrossed.
BEATY, Chairman.

Committee Room,

Austin, Texas, January 18, 1901.

Hon. J. N. Browning, President of the Senate, and Hon. R. E. Prince, Speaker of the House of Representatives:

Your joint committee appointed for the purpose of arranging for the election of a United States Senator have had the matter under consideration, and beg leave to report as follows, to wit:

First. That the Senate proceed to nominate and ballot for a United States Senator Tuesday, January 22, A. D. 1901, at 11:30 o'clock a. m.

Second. That the House proceed to nominate and ballot for a United States Senator Tuesday, January 22, A. D. 1901, at 11:30 o'clock a. m.

Third. That the Senate and House shall meet in joint session on Wednesday, January 23, A. D. 1901, at 12 o'clock, noon, in the House of Representatives for the purpose of declaring the result of the previous balloting.

Respectfully submitted,

On the part of the Senate—

POTTER,
ODELL,
HANGER.

On the part of the House—

MURRELL,
SATTERWHITE,
PIERSON.

The foregoing joint report was thereupon adopted.

BILLS AND RESOLUTIONS.

By Senator Sebastian:

Senate bill No. 76, A bill to be entitled "An Act to restore and confer upon the county court of Stonewall county the civil and criminal jurisdiction heretofore belonging to said court under the Constitution and general statutes of Texas; to define the jurisdiction of said court; to conform the jurisdiction of the district court of said county to such change; to fix the time of holding court, and to repeal all laws in conflict with this act."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Staples:

Senate bill No. 77, A bill to be entitled "An Act providing for the protection of

laboring men, and prescribing a penalty for a breach thereof."

Read first time, and referred to Committee on Labor.

By Senator Potter:

Senate bill No. 78, A bill to be entitled "An Act to exempt the school trustees and aldermen of certain cities from the penalties prescribed in an act entitled 'An Act to create a State Text-Book Board, and procure for use in the public free schools of the State of Texas a series of uniform text-books; defining the duties of certain officers therein named with reference thereto; making appropriation therefor; defining certain misdemeanors; providing penalties for the violations of the provisions of this act, and declaring an emergency,' approved June 10, 1897."

Read first time, and referred to Committee on Education.

By Senator Davidson of Galveston:

Senate bill No. 79, A bill to be entitled "An Act to prevent the spread of the contagious diseases as yellow, black knot, peach rosette, and pear blight among peach, plum, cherry, prune, almond, apricot, nectarine and pear trees, or the fruit thereof; and providing measures for the eradication of the same; and applying the provisions of this act to 'San Jose scale,' when found on any vine, plant, shrub or fruit tree."

Read first time, and referred to Committee on Agricultural Affairs.

By Senator McGee:

Senate bill No. 80, A bill to be entitled "An Act providing for the appointment and compensation of county health officers."

Read first time, and referred to Committee on Public Health.

By Senator Davidson of DeWitt:

Senate bill No. 81, A bill to be entitled "An Act to organize a board of pardon advisors, and more fully define its powers and duties."

Read first time, and referred to Committee on State Penitentiaries.

By Senator Wilson:

Senate bill No. 82, A bill to be entitled "An Act to amend Section 2, of Article 3974, of the Revised Civil Statutes of the State of Texas, relating to the issuance of first grade teachers' certificates."

Read first time, and referred to Committee on Education.

By Senator McGee:

Senate bill No. 83, A bill to be entitled "An Act regulating the time for filing statements of facts and bills of exception in appeal cases."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Turner:

Senate bill No. 84, A bill to be entitled "An Act to provide for the purchase of public lands in quantities of five acres or less situated on islands by actual settlers who have settled on and placed valuable improvements thereon in good faith, or to their heirs or legal representatives, prior to the first day of January, 1895; and prescribing the price, terms and manner and time of such purchase."

Read first time, and referred to Committee on Public Lands.

By Senator Miller (by request):

Senate bill No. 85, A bill to be entitled "An Act to amend Chapter 1, Title VI, of the Penal Code, relating to offenses affecting the right of suffrage, by adding thereto Article 156a; and repealing all laws and parts of laws in conflict therewith"

Read first time, and referred to Judiciary Committee No. 2.

Morning call concluded.

BILL SIGNED.

The Chair gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read,

Senate bill No. 36, "An Act to regulate the terms and to fix the times for holding the district court in the Twenty-third Judicial District of Texas, and to regulate and validate the returns of all writs and processes heretofore and hereafter issued from the district courts of said judicial district; and to repeal all laws and parts of laws in conflict with this act, and declaring an emergency."

SENATE BILLS ON SECOND READING—SENATE BILL NO. 51.

On motion of Senator Patterson, the regular order was suspended and the Chair laid before the Senate,

Senate bill No. 51, A bill to be entitled "An Act to protect discharged employes against blacklisting; to define blacklisting; prescribing penalties therefor, and to repeal all laws in conflict with the provisions of this act," action being on second reading and passage to engrossment.

The bill was read second time, and

Senator Patterson offered the following amendment:

"Amend by adding in line 30, on page 1, after the word 'employee,' the following: 'Or any corporation, company or individual who may desire to employ such discharged employee.'"

The amendment was read and adopted, and the bill ordered engrossed.

REGULAR ORDER—SENATE JOINT RESOLUTION NO. 3.

The Chair then laid before the Senate, the regular order, on its third reading and final passage,

Senate Joint Resolution No. 3, Amending Article 6, Section 2, of the Constitution of the State of Texas, requiring all persons subject to a poll tax to have paid a poll tax and to hold a receipt for same before they offer to vote at any election in this State, and fixing the time of payment of said tax.

The resolution was read third time, and passed by the following vote:

Yeas—23.

Beaty.	Neal.
Davidson of	Patterson.
DeWitt.	Paulus.
Davidson of	Potter.
Galveston.	Savage.
Dibrell.	Sebastian.
Goss.	Stafford.
Harris of Bexar.	Swann.
Harris of Hunt.	Wayland.
James.	Wheeler.
Johnson.	Wilson.
Lloyd.	Yett.
Miller.	

Nays—6.

Grinnan.	Odell.
Lipscomb.	Staples.
McGee.	Turner.

Absent.

Hanger.

Absent—Excused.

Turney.

Senator Davidson of DeWitt moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

SENATE BILLS ON THIRD READING SENATE BILL NO. 8.

The Chair then laid before the Senate, on its third reading and final passage,

Senate bill No. 8, A bill to be entitled "An Act to amend Article 650, Title VIII, of the Code of Criminal Procedure of the State of Texas, relating to the summoning of jurors on special venire cases."

Senator Odell offered the following amendment:

"Amend by adding: 'Provided, that no juror shall be considered summoned who has not been served in person or who has not acknowledged receipt of summons mailed to him.'"

The amendment was read, and lost.

HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, January 14, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: I am instructed by the House to inform the Senate that the House has passed the following resolution:

Senate Concurrent Resolution No. 1:

Resolved by the Senate, the House of Representatives concurring, that the Hon. David B. Hill, of New York, be invited to address the Legislature of the State of Texas upon the political issues of the day at as early date during the present session that may be designated by him for that purpose, and that the President of the Senate and Speaker of the House of Representatives, in their behalf, forward to the gentleman named a copy of this resolution, with amendment:

"Amend the resolution by inserting before the name 'David B. Hill,' the name and word 'Wm. J. Bryan and,' and by striking out the word 'he' wherever it appears and inserting the word 'they' in lieu thereof."

House amendment to Senate Concurrent Resolution No. 1 adopted January 12, 1901.

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

SENATE BILL NO. 8.

Action recurring on final passage of Senate bill No. 8,

Senator Odell offered the following amendment:

"Amend by adding: 'Provided, diligence shall not be presumed in summoning jurors by mail where acknowledgment has not been made of such summons.'"

Pending action on the foregoing

Senator Davidson of DeWitt offered the following amendment to the amendment:

"And providing further, that when service is had by the use of the mail the notice of service shall be mailed to the juror at least ten days before the day of trial."

Senator Grinnan offered the following substitute for both pending amendments:

"Amend by adding after the word 'writ,' on page 1, line 19, the following: 'If such letter or postal card is mailed within less than ten days prior to trial, a special delivery stamp must be used thereon.'"

Action recurring on the substitute, the same was lost.

Action recurring on the amendment

6—Senate.

offered by Senator Davidson of DeWitt to the amendment offered by Senator Odell, the same was also lost.

Action then recurring on the amendment offered by Senator Odell, the same was also lost.

Action recurring on final passage of the bill.

Senator James offered the following amendment:

"Amend by adding after the word 'writ,' in line 19, the following: 'Provided, when the sheriff or other officer deposits such cards or letters to such jurors the same shall be placed in the mail within one day after such writ shall have gone into his hands.'"

Pending action on the foregoing,

Senator Sebastian offered the following amendment to the amendment:

"Provided further, that if ten days does not intervene between the date of issuing the special venire and the day the case is set for trial, then and in that event personal service shall be had upon the juror."

Senator Miller moved to table the amendment offered by Senator Sebastian to the amendment offered by Senator James.

Motion to table was lost by the following vote:

Yeas—10.

Beaty.	Miller.
Grinnan.	Odell.
Harris of Bexar.	Patterson.
James.	Stafford.
McGee.	Turner.

Nays—17.

Davidson of	Neal.
DeWitt.	Faulus.
Davidson of	Potter.
Galveston.	Savage.
Dibrell.	Sebastian.
Goss.	Staples.
Harris of Hunt.	Swann.
Johnson.	Wayland.
Lipscomb.	Wheeler.
Lloyd.	

Absent.

Hanger.	Yett.
Wilson.	

Absent—Excused.

Turney.

NOMINATIONS FOR UNITED STATES SENATOR.

The Chair announced that the hour of 11:30 o'clock a. m. having arrived, and that the special order for that time being to ballot for United States Senator, to succeed the Hon. Horace Chilton, he declared nominations for said office to be in order.

Senator Potter placed in nomination the Hon. Joseph Weldon Bailey, of Cooke county, addressing the Senate as follows:

"Mr. President and Gentlemen of the Senate:

"We should be able, without fulsome eulogy or foolish flattery to express our appreciation of the honor conferred upon the Legislature by the people of Texas, and the credit done this great commonwealth in the selection from among all her worthy and noble sons the one most suitable to represent this State in the Senate of the United States. It is but natural that I should rejoice that their choice has fallen upon my neighbor and friend; but feeble, indeed, would be the support of patriotic hearts in the cause of any man if based alone upon personal feelings or unmerited admiration.

"It is the character of a man that patriots love and honest men honor. A false or unworthy jewel may attract the eye for a moment, but it is the pure and tried one about which we linger, and in which we finally invest. We may admire a flickering star that shines but once a year, but when we grope in darkness, calling for help, it is not to the meteor we look, but to a brilliant fixed star of the first magnitude. This grand State of ours is entitled to be represented in the Senate of the United States by the greatest and the bravest of her sons. If she has a man who understands the principles and teachings of Jefferson, and who, while possessing the brain to comprehend, has the desire of heart to appreciate and apply the same to the good of the people, and the betterment of government, then he should be selected. If she has a man who understands the Constitution of the United States, who can discuss, dissect and apply it, and who has the courage of his convictions, preferring the criticisms of the unthought and time-serving element of his people to the sting of an injured conscience, like John C. Calhoun, then we should send him. If she has one who can, with consummate grace, tact and ability fill any place in the halls of legislation, like Henry Clay, then send him. I declare to you that I present you a man today possessing much of the merits of them all; one who has faced the problems of life from boyhood to full manhood with a clearness of perception and fixedness of purpose; that has not been excelled by any with whom I have ever met; with a mind possessing more resources, fuller of information and put to better use than that of any man of his age today in public life, backed by a conscience as sensitive to right and honest purposes

as a woman's heart is to purity, he stands the admiration of his friends and the dread of his enemies.

"His character is his life, and though men who are unable to make one for themselves have tried to steal his away, he appears before his fellows untarnished in fame, name and character.

"He never forgets a friend nor turns his back upon one who does him a service. His life belongs to the democratic party, and for it he has always drawn his sword, the bravest knight of them all, and rushed to the thickest of the fight, doing valiant, manly battle for the right, and no man has ever made him sheathe his sword or cry enough. I regard with great pleasure the opportunity of adding him to the new life-blood of the Senate of the United States.

"The candidate of the democratic party of this State is an ornament to any place, an honor to any party.

"He is the brightest star that now shines from the Southern sky. With him and the brilliant and sagacious Culberson in the United States Senate from Texas, no State in this Union will have a stronger representation.

"They have the ability, patriotism and integrity to reflect the glory of Texas and best interests of her people.

"Mr. President, I present for the high office of United States Senator the name of Hon. Joseph Weldon Bailey."

Senator Stafford, in nominating the Hon. E. A. Atlee, of Webb county, said:

"Mr. President and Gentlemen of the Senate:

"It affords me great pleasure to rise in my place on this occasion for the purpose of paying an humble tribute to a distinguished citizen of this State.

"I have known him for years, both in private and public life, and all who have known him, as I have, will cheerfully bear testimony to the purity of his life and to his ability, zeal and fidelity to a public trust.

"He served in the lower house of the Legislature of this State for six, and in this body for eight years, and his record in both houses is clean, able and patriotic. He was industrious, zealous and careful in his investigation of public questions; he was steadfast and firm in his convictions, and yet courteous and respectful to those who honestly differed from him. If you elect him as the representative of this great State in the United States Senate, no lips, of either friend or foe, will ever connect his name with either a public or private scandal.

"I refer to the Honorable E. A. Atlee, of Webb county, a man whose name is

untarnished, whose honor is unquestioned. Elect him, and the "Lone Star State" will be ably and faithfully represented. Him I nominate, and for him I shall cast my vote for this important position."

Senator Staples, in seconding the nomination of Joseph W. Bailey, said:

"Mr. President and Gentlemen of the Senate:

"There is no test of a man's ability in any department of life more severe than service in the House of National Representatives. There is no place where so little deference is paid to reputation previously acquired, or to eminence won outside. What a man gains in the House he gains by sheer force of his own character. It is a field in which the survival of the strongest is the recognized rule, and where no pretense can deceive and no glamour can mislead. The real man is discovered; his worth is impartially weighed, his rank irreversibly decreed. Yet, under this severe test, Hon. J. W. Bailey, with his versatility in discussion, his self-possession in the midst of crisis, his parliamentary wisdom in handling favored measures, or baffling ingenious opposition, won for him the leadership of his party, and through his adroit management and unmatched vigor he compelled a wholesome respect for the minority, which made it a check on the majority, and as potent in shaping political measures as if it had enjoyed a majority. Under his leadership he controlled others by constantly maintaining it over himself, and has established the highest standard of personal and official bearing by refraining from the pettiness of resentment, and being too magnanimous to indulge in revenge. His extraordinary culture, his scope of information, and intensely studious and discriminating insight into the very vitals of every subject he undertakes to consider and dispose of, merits the encomium of all who esteem success for its merits, and feel glad when genius has realized its destiny. He has at all times had the courage of his convictions, and advocated measures and policies which he knew were beyond public opinion of the hour, but which he believed would ultimately meet with popular approval within the period of his own lifetime and by the aid of his own efforts, and time has abundantly vindicated the wisdom of the stand he took. Schooled in early life to economical habits, he has earnestly sought to restrict the expenditures of our government to the actual requirements of efficient public service, and resisted with earnestness and fidel-

ity every encroachment of corporate power or concentrated wealth on individual rights. It is evident that he is thoroughly imbued with the teachings of our forefathers in that he believes a plain and frugal government securing justice and protection to all men and leaving all else to the energy and unrestricted enterprise of the people is the best political system that human intelligence can devise. No one has ever enjoyed the public confidence in a higher degree nor more amply repaid that confidence by an honorable and stainless life, and the highest tribute that could be paid him would be to point to his official record, which will bear as enduring evidence of the fidelity and singleness of purpose with which he has faithfully discharged every trust reposed in him."

Senator Harris of Bexar, in further seconding the nomination of Joseph W. Bailey, said:

"Mr. President and Gentlemen of the Senate:

"I desire to second the nomination of Hon. Joseph W. Bailey for United States Senator. In doing so, I believe that I voice the wish and express the sentiments of the people of my district. We have been proud of Congressman Bailey's record in the national House of Representatives. Although not sent from our district, we have recognized and appreciated him on the broader ground that he was a Texan. We have been proud that a Texan should be the leader of our party at the national capital.

"We have been proud that by his unparalleled knowledge of constitutional law and precedent, by his deep and extensive research into our past legislative history, by his close and thorough study of all civic and economic questions, and by his liberal culture, our fellow-citizen should have attained the front rank in statesmanship, and be an acknowledged authority among his peers.

"We are glad to accord to him his well-earned promotion. We take pride in placing him as our national representative in the most august body of the world.

"We realize that at the dawn of the new century questions unparalleled in our history for gravity and momentous bearing upon our future confront us as a nation. We realize that under the new industrial conditions, due to the vast strides of all the arts and sciences, and their continual change and transmutation, we need a man of the most catholic sympathies and broadest statesmanship. A man who can be just to capital and labor in our domestic legis-

lation; and one who is prepared to meet our international problems and complications, as they arise, on the broad platform of a world-parliament.

"We believe that such a statesman we shall have in Joseph W. Bailey, and in the full confidence of this belief we desire that the mantle of the illustrious statesmen who have represented Texas in the historic past shall descend upon his shoulders."

Senator Johnson, in further seconding the nomination of Joseph W. Bailey, said:

"Mr. President and Gentlemen of the Senate:

"From the earliest times of which we have any historical knowledge there have always been men, who, prompted by the love of liberty, loyalty to their country, and devotion to the great fundamental principles of free government, have faced their accusers, condemned that which they knew to be wrong, and defended that which they knew to be right. Ten years ago Texas sent to her National Congress her illustrious and gifted son Joseph W. Bailey, and she is proud of the fact, that from the moment he took the oath of office and assumed the duties of a Representative, he has been true to his constituency, true to Texas, and true to his country. He has never shirked a responsibility or dodged an issue. The conspicuous services rendered his party and the people whom he represented places him in the front rank of the greatest statesmen of this country. Brilliant, eloquent, logical, he has few equals and no superiors. Estimated by comparison with the greatest statesmen of this nation, his career can not be considered otherwise than extraordinary and of singular and unusual distinction.

"In a great State like ours, proud of its history, of the honor and undying fame of its heroes, of the achievements of its warriors and its statesmen, he surpasses the swiftest in an earnest and laudable ambition to serve his people, and the strongest in the defence of the supremacy of right and liberty. His invincible, inflexible and persistent opposition to the enemies of good government have endeared him to the hearts of his people, and with an overwhelming accord they have chosen him to the highest office in their gift.

"Mr. President, I second the nomination of the illustrious statesman, patriot and citizen Joseph W. Bailey."

Senator Savage, in further seconding the nomination of Joseph W. Bailey, said:

"Mr. President and Gentlemen of the Senate:

"I know nothing by experience of the flowers which rest on the brow of oratory or which bedeck the lives of great men. I live in a county adjoining that of Cooke; I am a neighbor of Joseph W. Bailey; I know him well. If you would know the true greatness of men, you must inquire of those who know him best. I represent a people who hold him in the highest esteem as a citizen, as a neighbor, a statesman and an orator. I come, Mr. President, to say for my people that they believe him worthy of a seat in that great body, the Senate of the United States. I come for them, not only to second his nomination, but to cast my vote, representing a great people, for the Hon. Joseph W. Bailey."

Senator Odell, in further seconding the nomination of Joseph W. Bailey, said:

"Mr. President and Gentlemen of the Senate:

"The day fixed by law for the election of a United States Senator being at hand, the hour having arrived, I avail myself of the opportunity afforded by my constituents of seconding the nomination heretofore so eloquently and aptly made by the Senator from Cooke in presenting the name of the distinguished citizen and illustrious democrat of his own county—the Hon. Joseph Weldon Bailey. In doing this it is a labor of love to me. First, because sanctioned and authorized by my constituents—as loyal and royal a band of democrats as ever followed the banner of any knightly chieftain on the field of political conflict; second, because it is an expression of my own sentiments and convictions as to his being the wisest, the brainiest, and most patriotic leader to select in this hour of our country's peril and our party's disaster. It may not be inopportune, and I hope not inappropriate, to suggest that the time has been in Texas when the selection of a United States Senator depended largely on the personal preferences of the members of our Legislature. However, that time has passed; and today we are confronted with the verdict, and righteous one from my standpoint, rendered by the members of our party many months ago that assured the election of this great statesman, and democratic leader, to the exalted station in the nation's council; and, with a majority of us, responsibility ends when we ratify our party's mandate, though it has occurred to me in this hour of jubilation and congratulation over the fruits of victory being delivered to him who so richly deserves,

we may modestly inquire as to whether a mistake has been made by our party and our constituents in the manifestation of their choice. In answering this question we should not forget that grand old Texas, imperial in domain, incomparable in resources, peerless in her democracy, rich in the heroism and valor of the early fathers as she is, the nation should expect, and the democratic party demand a man as United States Senator who would typify the best, most glorious traditions of such a State, and exemplify and preserve the sacred principles of the democratic party. Of all the worthy distinguished citizens of Texas none are so well equipped, in my judgment, to meet these requirements as is Joe Bailey. Entering the National House of Representatives a young man, one of the youngest in that body, unknown and without influence, by sheer force of his great intellect, lofty patriotism and consecrated devotion to the principles of his party, and the teachings of Jefferson, he arose to leadership in a congress of leaders; and so courageously has he defended the Constitution of his country, the Declaration of American Independence, the fundamental principles of democracy as interpreted by the fathers of the party, that his words have come to be regarded as a text, and his construction of the Constitution, orthodox democracy. Not since the days of John C. Calhoun will a more eloquent, courageous and intellectual exponent of these ancient instruments have trod the halls of the venerated body of which he will so soon become a member. His name and his fame are already secured. So long as the democratic party survives will he be regarded as one of its intellectual giants; so long as free government, the love of liberty and independence, has a champion left, so long will Bailey have a place in the memory of his countrymen; so long as the Constitution and the Declaration of Independence shall be revered, so long will the name of Bailey be respected; so long as God may spare him to his country, so long will his countrymen regard him with affection, and the democratic masses find a place for his leadership in the councils of his party.

"In the contest for this office he was the candidate of the old democrats, because he believed in those principles of democracy advocated in the long ago, and practiced by the disciples of Jefferson and Jackson. He was the candidate of the young democrats for by his eloquence and logic they were made to understand the right, and enthusiastically followed him in its defence. He

was the candidate of the conservative democrats, because conservatism worships at the shrine of the Constitution, dreads new innovations in government, and unamerican policies. He was the candidate of the militant, fighting, aggressive democrats, because in debate he was the master of our party's enemies. Wherever his standard was raised victory followed for our cause. And for them all we surrender him to the National Senate to cheer on our own worthy Culberson and other democratic sentinels in their efforts and defence of the Republic, and our free institutions. With the message to the world that he is pure in mind, patriotic in purpose, honest and, above all things, a great statesman from a great State, as God's sunlight has penetrated the unfounded charges that have surrounded his name, the right minded, but misinformed who fell a victim to rumor and suspicion have cause for regret; and to those who have malevolently and wickedly sought to tarnish his fair name embarrassment is at hand and political destruction will follow."

Senator Patterson briefly seconded the nomination of E. A. Atlee.

BALLOT FOR UNITED STATES SENATOR.

Nominations for United States Senator having closed, the Chair ordered the roll called. The ballot resulted as follows:

Bailey—27.

Beaty.	Miller.
Davidson of	Neal.
DeWitt.	Odell.
Davidson of	Paulus.
Galveston.	Potter.
Dibrell.	Savage.
Goss.	Sebastian.
Grinnan.	Staples.
Harris of Bexar.	Swann.
Harris of Hunt.	Turner.
James.	Wayland.
Johnson.	Wheeler.
Lipscomb.	Wilson.
Lloyd.	Yett.
McGee.	

Atlee—2.

Patterson.	Stafford.
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Absent.

Hanger.

Absent—Excused.

Turney.

When the name of Senator Miller was reached in the foregoing roll call, he arose and said:

"Mr. President and Gentlemen of the Senate:

"While I sympathize with the enthusiasm of my friends who today exclaim, 'Long live the King,' I cannot overcome the sad realization that it is but the echo of the dread cry, 'The King is dead.' For your action today removes from active service one who for years in public life has served his country with fidelity, honesty and zeal; one who in private life has been a shining example of all those virtues which make the Christian gentleman; one whose services in every position of trust confided to him by his people have been marked by conservatism, broad judgment and unswerving honesty; one whose name and fame will grow with the years, and linger in the hearts of those who knew him best and loved him for his noble qualities of heart and head till the last of this generation shall have passed away. If any one shall question the propriety of this feeble tribute at this time paid my friend I answer as did Marc Anthony, the impatient Cassius: 'Pardon me, Caius Cassius, the enemies of Cæsar will say this in a friend it is but cold modesty.' In obedience to the instructions of the democracy of my district, I cast my vote for the Hon. J. W. Bailey."

REASONS FOR VOTES.

"I decline to vote for the Hon. J. W. Bailey for United States Senator because there has been and still exists unexplained rumors and charges that said Bailey has been unduly exercised in the welfare and interest of a company known as the Waters-Pierce Oil Company in procuring for said company a permit to do business in this State, and because I believe that the truth that would throw light upon this whole subject is locked in the mouths of persons who will not furnish the evidence now needed by the Legislature.

"PATTERSON."

"Strictly, and solely, in obedience to the command of the instructions of a majority of my constituents, I vote for Joe W. Bailey for United States Senator.

"SWANN."

The Chair announced that the Senate would, at 12 o'clock, noon, tomorrow, Wednesday, January 23, 1901, meet the Honorable House of Representatives in joint session to declare the result of the ballot for United States Senator to succeed Hon. Horace Chilton.

EXECUTIVE MESSAGE.

EXECUTIVE OFFICE,
STATE OF TEXAS.
Austin, January 19, 1901.

To the Senate:

The advice and consent of the Senate is asked to the following appointments:

Judge of the Criminal District Court of Galveston and Harris counties, term beginning September 22, 1900—A. C. Allen, of Harris county.

Live Stock and Sanitary Commission—Robert J. Kleberg, of Nueces county; W. J. Moore, of Bexar county; M. M. Hankins, of Hardeman county.

Penitentiary Board—William Clemens, of Comal county; John B. Peyton, of Trinity county; S. M. Fry, of Tarrant county.

JOSEPH D. SAYERS,
Governor.

The Chair then laid before the Senate the foregoing message, after which, on motion of Senator Wayland, it was ordered that the Senate would go into executive session tomorrow at 11 o'clock a. m., to act upon the appointments contained in the same.

PENDING BUSINESS—SENATE BILL NO. 8.

Action recurring on the amendment offered by Senator Sebastian to the amendment offered by Senator James to Senate bill No. 8 (see under bill heading above), the bill and both amendments were, on motion of Senator Sebastian, tabled subject to call.

RESOLUTION CALLED UP—SENATE CONCURRENT RESOLUTION NO. 1.

On motion of Senator Sebastian, the regular order was suspended, and Senate Concurrent Resolution No. 1, this day reported back from the House with amendments (see House message above), was called up.

Senator Turner moved to refer the resolution and House amendment to the Committee on Federal Relations.

The motion to refer was lost.

The House amendment was then adopted.

BILLS ON SECOND READING—SENATE BILL NO. 47.

On motion of Senator Miller, the regular order was suspended, and

Senate bill No. 47, A bill to be entitled "An Act to establish the office of and to prescribe the duties and powers of State

fire marshal; and to provide penalties for the violation of the provisions of this act, and to prescribe salaries and fees for the performance of the duties imposed by this act," action being on second reading and passage to engrossment.

Bill was read second time, and

Senator Miller offered the following amendment:

"Amend caption of the bill by adding, in line 10, after the word 'act,' the following: 'And to impose a tax of one-half of one per cent. upon the gross income of all insurance companies doing business in this State to provide a revenue to pay the expenses of said office.'"

The amendment was read, and adopted.

Senator McGee moved to postpone further action on the pending bill until next Monday at 11 o'clock a. m., and be made a special order for that hour.

Senator Miller offered as a substitute for the motion to table the bill subject to call.

The substitute prevailed, after which the motion as substituted was adopted.

On motion of Senator McGee, the Senate, at 12:35 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

ELEVENTH DAY.

Senate Chamber,
Austin, Tex., Wednesday, Jan. 23, 1901.

Senate met pursuant to adjournment.

Lieutenant-Governor Browning in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Present—27.

Beaty.	Odell.
Davidson of	Patterson.
DeWitt.	Paulus.
Dibrell.	Potter.
Goss.	Savage.
Grinnan.	Sebastian.
Harris of Bexar.	Stafford.
Harris of Hunt.	Staples.
James.	Swann.
Johnson.	Turner.
Lipscomb.	Wayland.
Lloyd.	Wheeler.
McGee.	Wilson.
Neal.	Yett.

Absent—3.

Davidson of	Hanger.
Galveston.	Miller.

Absent—Excused.

Turney.

Prayer by the Chaplain, Rev. I. S. Davenport.

Pending the reading of the Journal of yesterday,

On motion of Senator Swann, the same was dispensed with.

COMMITTEE REPORTS.

The following committee reports were sent to the Secretary's desk and read:

Committee Room,
Austin, Texas, January 22, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 51, being a bill to be entitled "An Act to protect discharged employes against blacklisting, to define blacklisting, prescribing penalties therefor, and to repeal all laws in conflict with the provisions of this act,"

And find the same correctly engrossed.

BEATY, Chairman.

Committee Room,
Austin, Texas, January 22, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 36, being a bill to be entitled "An Act to regulate the terms and to fix the times for holding the district court in the Twenty-third Judicial District of Texas, and to regulate and validate the returns of all writs and processes heretofore and hereafter issued from the district courts of said judicial district, and to repeal all laws and parts of laws in conflict with this act, and declaring an emergency,"

And find the same correctly enrolled, and have this day, at 11:10 a. m., presented the same to the Governor for his approval.

WILSON, Chairman.

Committee Room,
Austin, Texas, January 22, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Public Health, to whom was referred

Senate bill No. 28, being a bill to be entitled "An Act regulating quarantine against dangerous, contagious and infectious diseases,"

Have had the same under consideration, and I am instructed to report the following committee substitute, with the recommendation that it do pass.

LLOYD, Chairman.